

TRANSLATION (HM-698PCT-IPER)

TREATY ON INTERNATIONAL COOPERATION IN THE AREA OF PATENTS

From: THE DULY COMMISSIONED INTERNATIONAL PRELIMINARY
EXAMINING AUTHORITY

PCT

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RECEIVED AT SIEGEN

Oct. 24, 2005

REPORT ON THE FORWARDING OF THE
INTERNATIONAL PRELIMINARY EXAMINATION
REPORT ON PATENTABILITY

(Rule 71.1 PCT)

Date sent (Month/Day/Year): October 21, 2005

Applicant's or Agent's File Ref. 42 280.fl.be	IMPORTANT REPORT	
International Application No. PCT/EP2004/011972	International Filing Date (Month/Day/Year) October 22, 2004	Priority Date (Month/Day/Year) November 27, 2003
Applicant SMS DEMAG AG et al.		

1. The applicant is notified that the duly commissioned international preliminary examining authority is herewith forwarding to him the International Preliminary Examination Report on Patentability prepared for this international application, possibly with accompanying annexes.
2. A copy of the report – possibly with accompanying annexes – is being forwarded to the International Office for further forwarding to all selected patent offices.
3. At the request of a selected patent office, the International Office will prepare a translation of the report (but not the annexes) into the English language and forward it to that office.

4. REMINDER

To enter the national phase, the applicant must take certain actions (submission of translations and payment of national fees) before each selected patent office within 30 months of the priority date (or even later in some patent offices) (Article 39 (1)) (See also the information provided by the International Office in form PCT/IB/301.).

If a translation of the international application must be sent to the selected patent office, this translation must include translations of all annexes to the International Preliminary Examination Report on Patentability. It is the responsibility of the applicant to prepare these translations and to send them directly to the selected patent offices in question.

Further details regarding the relevant deadlines and requirements of the selected patent offices may be obtained from Volume II of the PCT Handbook for Applicants.

The applicant is referred to Article 33(5), which explains that the criteria for novelty, inventive activity and commercial viability described in Article 33(2) to (4) apply only to the International Preliminary Examination and that "each member state (...) can establish additional or different criteria for the decision on the patentability of the claimed invention in this state (See also Article 27(5)). Examples of such additional criteria could involve exceptions to patentability, requirements for the disclosure of the invention, and clarity and support of the claims.

Name and mailing address of the office assigned to perform the preliminary examination: European Patent Office D-80298 Munich Tel: +49 89 2399-0 Tx: 523656 epmu d Fax: +49 89 2399-4465	Authorized Officer: Dolezel, A. Tel: +49 89 2399-2940
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TREATY ON INTERNATIONAL COOPERATION IN THE AREA OF PATENTS

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT ON PATENTABILITY

(Chapter II of the Treaty on International Cooperation in the Area of Patents)

Applicant's or Agent's File Ref. 42 280.fl.be	FOR FURTHER ACTION	See Form PCT/IPEA/416
International Application No. PCT/EP2004/011972	International Filing Date (Month/Day/Year) October 22, 2004	Priority Date (Month/Day/Year) November 27, 2003
International Patent Classification (IPC) or National Classification and IPC B21B31/02		
Applicant SMS DEMAG AG et al.		

1.	This international preliminary examination report has been prepared by the duly commissioned International Preliminary Examining Authority according to Article 35 and is transmitted to the applicant according to Article 36.
2.	This REPORT consists of a total of 5 pages, including this cover sheet.
3.	<p>This report is also accompanied by ANNEXES; these comprise</p> <p style="margin-left: 20px;">a. <input type="checkbox"/> (sent to the applicant and the International Office) a total of pages; these are</p> <div style="margin-left: 40px;"> <input type="checkbox"/> pages of the description, claims, and/or drawings which have been amended and are the basis for this report and/or pages containing rectifications that have been approved by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> pages which replace earlier pages but which, for the reasons given in field No. 1, item 4, and in the supplementary field, in the opinion of this Authority, contain a change that goes beyond the disclosed contents of the international application in the version originally submitted. </div> <p style="margin-left: 20px;">b. <input type="checkbox"/> (sent only to the International Office): (please specify the type and number of the electronic data carrier(s)), which contain a sequence listing and/or accompanying tables, only in computer-readable form, as specified in the supplementary field regarding the sequence listing (see Section 802 of the Administrative Instructions)</p>
4.	<p>This report contains indications relating to the following items:</p> <div style="margin-left: 20px;"> <input checked="" type="checkbox"/> Field No. I Basis of the report <input type="checkbox"/> Field No. II Priority <input type="checkbox"/> Field No. III Nonestablishment of opinion with respect to novelty, inventive activity, and commercial viability. <input type="checkbox"/> Field No. IV Lack of unity of the invention. <input checked="" type="checkbox"/> Field No. V Substantiated determination under Article 35(2) with respect to novelty, inventive activity, and commercial viability; documents and declarations in support of this determination. <input type="checkbox"/> Field No. VI Certain documents cited <input type="checkbox"/> Field No. VII Certain defects in the international application <input type="checkbox"/> Field No. VIII Certain observations on the international application </div>

Date of submission of the petition: March 15, 2005	Date of completion of this report: October 21, 2005
Name and mailing address of the office assigned to perform the preliminary examination: European Patent Office D-80298 Munich Tel: +49 89 2399-0 Tx: 523656 epmu d Fax: +49 89 2399-4465	Authorized Officer: Forciniti, M. Tel: +49 89 2399-

INTERNATIONAL PRELIMINARY EXAMINATION REPORT ON PATENTABILITY

AP20 Rec'd PGT/PTO 26 MAY 2006

International File No.: **PCT/EP2004/011972**

Field No. 1 Basis of the Report

1. With respect to the **language**, the report is based on the international application in the language in which it was submitted unless otherwise indicated under this item.
 - ☐ The report is based on a translation from the original language into the following language, which is the language of the translation, which was submitted for the following purpose:
 - ☐ international search (under Rules 12.3 and 23.1 b))
 - ☐ publication of the international application (under Rule 12.4)
 - ☐ international preliminary examination (under Rule 55.2 and/or Rule 55.3)
2. With regard to the **constituent parts*** of the international application, the report is based on *(replacement pages which were submitted to the application office in compliance with a request according to Article 14 are considered "originally filed" in the context of this report and are not attached to the report)*:

Specification, pages:

1-10 as originally filed

Claims, Nos.:

1-12 as originally filed

Drawings, Pages:

1/5-5/5 as originally filed

- ☐ a sequence listing and/or any accompanying tables – see supplementary field regarding the sequence listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description: pages
 - ☐ the claims: Nos.
 - ☐ the drawings: sheets/figures:
 - ☐ the sequence listing (*exact details*):
 - ☐ any tables accompanying the sequence listing (*exact details*):

4. ☐ This report has been prepared as if (some of) the amendments attached to this report and listed below had not been made, since for the reasons specified in the supplementary field they are considered by this Authority to go beyond the disclosure as originally filed (Rule 70.2 c)).

☐ the description: pages

☐ the claims: Nos.

☐ the drawings: sheets/figures:

☐ the sequence listing (*exact details*):

☐ any tables accompanying the sequence listing (*exact details*):

* If Item 4 applies, some or all of these pages can be furnished with the comment "replaced".

Field No. V Substantiated determination under Article 35(2) with respect to novelty, inventive activity, and commercial viability; documents and declarations in support of this determination.

1. Determination

Novelty (N)	Yes:	Claims 1-12
	No:	Claims
Inventive Activity (AI):	Yes:	Claims 1-12
	No:	Claims
Commercial Viability (CV):	Yes:	Claims 1-12
	No:	Claims

2. Documents and Declarations (Rule 70.7):

See attached page.

INTERNATIONAL PRELIMINARY
EXAMINATION REPORT ON
PATENTABILITY (ATTACHED PAGE)

International File No.: PCT/EP2004/011972

Re Item V.

1. The following document is cited in the present office action:

D1: US 5 085 069 A (WALTERS, JR. ET AL) February 4, 1992 (1992-02-04)

2. Document **D1** is regarded as the most closely related prior art. It discloses:

A multipart mill housing (Figures 2 to 4) for a rolling stand in rolling mills, which consists of main components, such as crossheads (52) and longitudinal beams (44, 46, 48, 50), which are joined by bolts (56).

The object of independent **Claim 1** differs from **D1** in that:

In an edging stand, the joint between the longitudinal beam and crosshead has a cruciform structure, at least at the upper ends of the longitudinal beams.

The object of **Claim 1** is thus novel (Article 33 (2) PCT).

3. The stress level or the diffusion of stress in the housing components is improved by the additional features.
4. The objective to be achieved by the present invention is to improve the area reduction of the housing window and the effect of the impact force of the rolling stock on the closed rolls of an edging stand.
5. This objective is achieved by the additional features of **Claim 1** in a way that is not obvious from the prior art. **D1** discloses only the joining of the components by bolts. In their

cross section, the longitudinal beams (44, 46, 48, 50) have four-cornered notches (53) in which the crossheads (52) are seated. However, a special shape of this joint is not apparent from **D1**. **D1** also fails to provide any stimulus to one skilled in the art to realize the joint between longitudinal beam and crosshead as a cruciform structure. The object of **Claim 1** is thus based on inventive activity (Article 33(3) PCT).

6. **Claims 2-12** are dependent on **Claim 1** and thus also satisfy the requirements of the PCT with respect to novelty and inventive activity.

7. The object of **Claims 1 to 12** is unquestionably commercially viable (Article 33(4) PCT).